

REMARKS

Claims 1, 2, 4-7, 10, 12, 17, 18, 40-42, 44-46, and 67-85 are pending in the application. Claim 40 has been amended. No new matter has been added. Claims 71 and 83 have been withdrawn.

Applicants thank the Examiner for indicating that claim 1 would be allowable if rewritten.

The Examiner's remarks in the last Office Action are addressed below. It is believed that the claims and all dependent claims, taken in light of the remarks made herein, meet all criteria for patentability.

CLAIM OBJECTIONS

The Examiner has objected to claims 41, 76-82, and 84-85 "as being dependent upon a rejected base claim." Applicants thank the Examiner for indicating that these claims "would be allowable if rewritten in independent form." See page 2 of Office Action.

The Examiner has further objected to claims 40 and 76-85 "as being of improper dependent form for failing to further limit the subject matter of a previous claim." The Examiner contends that dimethylamino and chloro substituents do not further limit the claims. Claim 40 has been amended to limit the claim with respect to dimethylamino substituents. Claims 71 and 83 have been withdrawn. With respect to the chloro substituents in compounds 4-chloro-5-phenyl-2,4-pentadienoic acid and 4-chloro-5-phenyl-2,4-pentadienoylhydroxamic acid, Applicants respectfully submit that the chloro substituents in those compounds are not substituents from the phenyl group. Rather, the chloro is a substituent of the hydrocarbon chain. Accordingly, the subject matter of claim 40 and 76-85 has been properly limited. Applicants respectfully request the withdrawal of this objection.

CLAIM REJECTIONS

Rejection of claims under 35 U.S.C. §102(b) over Parsons

The Examiner has rejected claims 1-2, 4-7, 9-10, 12, 17-18, 40, 42-46 and 83 under 35 U.S.C. 102(b) as being anticipated by WO 98/55449 to Parsons et al ("Parsons"). Applicants

respectfully traverse this rejection. Claim 83 has been withdrawn thus rendering this rejection moot. Claim 1 is an independent claim.

The Examiner contends that "Parsons teaches a method of inhibiting cancer cell growth by contacting the cell with [] histone deacetylation inhibiting hydroxamic acids" and directs Applicants to the abstract, pages 6-16 and compound Vd in claim 15. See Office Action at page 3.

Parsons does not describe the compound of formula (I) in independent claim 1. Compounds Vd are compounds in which X^1 = polar group substituent chosen from the group "C=O; -COR¹; -CF₂; -CNH₂; -CNR¹; -SO₂-; -P(O)(OH)-; -C=S; -CSR¹; -C-COR¹; -C-CONR¹R²; or -C-CH₂OH; or either R¹ or R² is absent." See page 82, line 1 of Parsons. In formula (I) of claim 1, A is a cyclic moiety optionally substituted with alkyl, alkenyl, alkynyl and alkoxy. See claim 1. None of the compounds Vd described by Parsons are within the scope of claim 1 because "C=O; -COR¹; -CF₂; -CNH₂; -CNR¹; -SO₂-; -P(O)(OH)-; -C=S; -CSR¹; -C-COR¹; -C-CONR¹R²; or -C-CH₂OH" are not a cyclic moiety optionally substituted with alkyl, alkenyl, alkynyl and alkoxy.

Accordingly, independent claim 1 is not anticipated by Parsons. Claims 2, 4-7, 9-10, 12, 17-18, 42-46 depend from claim 1 and are therefore patentable over Parsons for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

Rejection of claims under 35 U.S.C. §103 over Parsons

The Examiner has further rejected claims 1-2, 4-7, 9-10, 12, 17-18, 40, 42, 44-46 and 83 under 35 U.S.C. 103 as being unpatentable over Parsons. Claim 83 has been withdrawn thus rendering rejection of this claim moot. Applicants respectfully traverse this rejection.

Compounds Vd as disclosed by Parsons are compounds in which X^1 = polar group substituent chosen from the group "C=O; -COR¹; -CF₂; -CNH₂; -CNR¹; -SO₂-; -P(O)(OH)-; -C=S; -CSR¹; -C-COR¹; -C-CONR¹R²; or -C-CH₂OH; or either R¹ or R² is absent." See page 82, line 1 of Parsons. Parsons does not teach, suggest, or provide motivation to make or use compounds of formula (I) in which A is a cyclic moiety optionally substituted with alkyl, alkenyl, alkynyl and alkoxy. None of the substituents taught by Parsons are within the scope of

claim 1 because "C=O; -COR¹; -CF₂; -CNH₂; -CNR¹; -SO₂-; -P(O)(OH)-; -C=S; -CSR¹; -C-COR¹; -C-CONR¹R²; or -C-CH₂OH" are not a cyclic moiety optionally substituted with alkyl, alkenyl, alkynyl and alkoxy. Further, there is no suggestion or motivation to a person skilled in the art to modify the compounds of Parsons to form the compounds of formula (I) of claim 1.

Since claims 2, 4-7, 9-10, 12, 17-18, 42-46 and 83 are dependent on claim 1, they are allowable over Parsons for at least the reasons described above. Applicants respectfully request reconsideration and withdrawal of this rejection.

CONCLUSION

For the foregoing reasons, Applicants respectfully request reconsideration and withdrawal of the pending rejections. Applicants believe that the claims now pending are in condition for allowance.

Should any fees be required by the present Amendment, the Commissioner is hereby authorized to charge Deposit Account **19-4293**.

If, for any reason, a telephonic conference with the Applicant would be helpful in expediting prosecution of the instant application, the Examiner is invited to call Applicants' Attorney at the telephone number provided below.

Respectfully submitted,

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